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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 000788

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TAGS: [PREL](#) [PTER](#) [PGOV](#) [PK](#)
SUBJECT: ZARDARI SIGNS SHARI'A REGULATIONS FOR SWAT

REF: A. ISLAMABAD 585
[1](#)B. ISLAMABAD 323
[1](#)C. STATE 32023

Classified By: Anne W. Patterson for reasons 1.4 (b), (d).

[1](#)1. (C) Summary: On April 13, President Zardari signed the proposed Nizam-e-Adl regulations into law, officially extending Shari'a law in Swat and surrounding areas. The approval came after months of pressure from coalition partner Awami National Party (ANP) and also the Pakistani military. The ANP leads the provincial government in the North West Frontier Province (NWFP), and had entered into a peace deal with militants in Swat. Earlier on April 13, the National Assembly had passed a unanimous resolution urging the President to sign the proposal. Zardari told the Ambassador April 11 that he was referring the matter to the parliament since the ANP had threatened to leave the coalition. Though the parliamentary resolution provides President Zardari some political cover, he still will confront international and domestic criticism for implementing regulations that reduce the writ of his own government. The only serious opposition in the parliament came from the secular Muttahida Quami Movement (MQM), which walked out of the debate. End summary.

PRESIDENT ZARDARI SIGNS NIZAM-E-ADL

[1](#)2. (C) On April 13, President Asif Ali Zardari signed the proposed Nizam-e-Adl regulations into law. His spokesperson, Farhatullah Babar, confirmed that the President signed the regulations before leaving for Dubai. Zardari's approval of the regulations followed a unanimous National Assembly resolution in favor of the regulations, although the MQM walked out of the debate. Several parliamentarians at the Ambassador's residence on the 13th for a dinner in honor of Senator Kerry, including Parliamentary Affairs Minister Babar Awan who would move the resolution hours later, told Emboffs that they anticipated it would be some days before the resolution came to the floor for a vote. Instead it was introduced and adopted within hours, in an Assembly with less than fifty percent of the members present and voting.

[1](#)3. (SBU) According to the press, North West Frontier Province (NWFP) Chief Minister and Awami National Party (ANP) leader Haider Hoti had visited Zardari earlier in the day to brief him on the law and order situation in the NWFP and urge him to sign the regulations. Zardari, according to the press, appreciated ANP's measures to improve law and order and urged Hoti to make every possible effort to ensure peace and stability in the NWFP. On April 14 in a meeting with Senator Kerry, Hoti maintained that the Nizam-e-Adl regulations were primarily amending the legal structure to

provide "speedy justice." (Note: Further details of Senator Kerry's meetings Zardari and with Hoti reported septel.)

14. (C) The NWFP provincial government, led by federal coalition partner ANP, entered into a peace accord with militant leader Tehrik-i-Nifaz Shariat-Muhammadi's (TNSM) Sufi Muhammad in February 2009. According to the accord, the Swat Taliban (headed by Sufi's son-in-law Maulana Fazlullah) would lay down their arms if Shari'a law were put into place in Swat and surrounding areas (that constitute the Malakand Division). The provincial ANP government signed the proposed Nizam-e-Adl regulations and on March 17 courts in Swat began reviewing cases under the new regulations. However, without the President's signature the Nizam-e-Adl regulations did not become official. On April 9, in protest of Zardari's delay in signing the regulation Sufi Muhammad announced that he would close down his "peace camps" in Swat. In the face of ongoing violence in there, the ANP government was anxious for President Zardari to sign the new law. Behind the scenes, the Pakistani military and Inter-Services Intelligence (ISI) were also applying pressure on Zardari to sign the deal because in the face of a losing military battle they preferred peace accords with the Swat Taliban. (See Reftel B)

NATIONAL ASSEMBLY URGES ZARDARI TO PASS NIZAM-E-ADL

15. (C) Zardari has made clear for weeks that he opposed signing the Nizam-e-Adl regulations reflecting, in part, his personal distaste for the regulations but also fearing negative international reactions, particularly from the US.

ISLAMABAD 00000788 002 OF 002

He had asked the Ambassador for Washington's views on signing the regulations. On April 11, Zardari called the Ambassador to tell her he planned to refer the regulation to the National Assembly for debate. He said that the ANP had threatened to leave the coalition; he told Senator Kerry that the Army and ISI urged him to sign.

16. (C) MQM leader Farooq Sattar told the Ambassador that most parliamentarians felt immense pressure to pass the Shari'a regulations, both from Interior Minister Rehman Malik and also from the Taliban. The Pakistani Taliban announced publicly that any parliamentarian who did not approve the Nizam-e-Adl regulations would be considered an apostate. The regulations were debated on the floor of the National Assembly, with opposition politicians trying to avoid giving Zardari the political cover that he sought while trying not to anger the Taliban. For example, parliamentarian Aftab Sherpao argued that constitutionally the approval of a provincial regulation was a matter for the President and the Governor, not the National Assembly, to approve.

17. (SBU) The MQM was the only party to express substantive reservations over the resolution, but in the end the MQM parliamentarians abstained from the vote and walked out. Several parliamentarians joined the MQM in walking out in protest. From London, MQM leader Altaf Hussain called people to protest and said that his party does not accept the Taliban's "forced Shari'a." The MQM has been a vocal opponent of the growing Talibanization and spread of Shari'a in Pakistan.

ANP AND MILITANTS REACTIONS

18. (C) ANP Senator Zahid Khan confirmed with Emboffs that the NWFP government was pleased with Zardari's signing of the Nizam-e-Adl regulations. In his view, the ANP had fulfilled all their commitments in the peace accords, and now they could hold the militants to the deal. When pushed on why the militants had not yet disarmed, Khan said that now that Shari'a was in force, if the militants did not lay down their arms they would quickly lose public backing. Khan also denied press reports that Sufi Muhammad had placed his own

men in the Qazi courts. The ANP insists that the Qazi courts would use the same civil and session judges that served in the previous court system.

¶9. (SBU) The TNSM and the Pakistani Taliban have publicly welcomed the parliamentary backing for the Nizam-e-Adl regulations. Sufi Muhammad said that the endorsement of the regulations was the result of efforts by Prime Minister Gilani and the ANP. Separately, Tehreek Taliban Pakistan (TTP) spokesman Muslim Khan welcomed the parliamentary support and said he expected such a result from the assembly of a Muslim nation.

¶10. (C) Comment: The controversial decision by the NWFP provincial government to enter a peace deal with Swat militants has provided a brief respite to the citizens of Swat. The real issue is the loss of territory, not the legal system. The main concession of the peace deal was the promise of Nizam-e-Adl, a regulation which in theory promised speedy justice to the people of Swat but in practice has been interpreted in an extreme form of Shari'a. President Zardari and many parliamentarians are not in favor of Shari'a law in Swat, however, the pressure from the ANP, the military, and from the militants has forced this decision. Domestically, implementation of Nizam-e-Adl gives the impression that the GOP is ceding control to extremists and sends a signal to militants that they can successfully use force to achieve their goals. End comment.

PATTERSON